

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:12-CR-235-MOC-DCK**

UNITED STATES OF AMERICA,

- v -

PHILLIP D. MURPHY,

Defendant.

)
)
) **PROTECTIVE ORDER PURSUANT**
) **TO FEDERAL RULE OF EVIDENCE**
) **502(d) CONCERNING MATERIALS**
) **TO BE PRODUCED BY FINANCIAL**
) **INSTITUTION A**
)
)
)

WHEREAS:

Financial Institution A withheld, in whole or in part, materials from its previous productions to the Government on the basis of attorney-client privilege and/or work-product protection, including audio files, emails, and other documents;

Defendant believes that Financial Institution A would be required to produce certain of the materials that Financial Institution A previously withheld from the Government pursuant to a Fed. R. Crim. P. 17(c) subpoena (hereinafter the “Protected Materials”), were he to move this Court for the issuance of a Rule 17(c) subpoena;

Financial Institution A believes that it could assert valid privileges and protections and continue to withhold the Protected Materials;

Defendant and Financial Institution A wish to resolve the question of the disclosure of the Protected Materials without litigation;

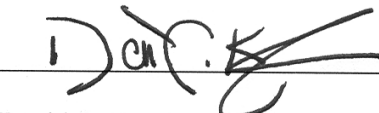
IT IS HEREBY ORDERED THAT:

1. This Protective Order, entered pursuant to Rule 57 of the Federal Rules of Criminal Procedure and Rule 502(d) of the Federal Rules of Evidence, applies to the “Protected Materials.”

2. Financial Institution A agrees to produce the Protected Materials to the Defendant and the Government pursuant to the terms of this Protective Order.
3. Financial Institution A's production of the Protected Materials to Defendant and the Government, and the use of the Protected Materials by Defendant or the Government in connection with this proceeding does not constitute a waiver of any privilege or protection by Financial Institution A in this proceeding or any other state or federal proceeding pursuant to Fed. R. Civ. P. 26, Fed. R. Crim. P. 16, or any analogous state rules.
4. Financial Institution A, the Defendant and the Government agree that the use and dissemination of the Protected Materials shall be governed by the Standard Criminal Discovery Order for the Western District of North Carolina.
5. Nothing in this Protective Order shall preclude any interested party from filing a motion seeking a modification of the Protective Order.

SO ORDERED.

Signed: September 9, 2013



David C. Keesler
United States Magistrate Judge

